

# Annual 47 C.F.R. § 64.2009(e) CPNI Certification Template

## EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2010 covering the prior calendar year 2009

1. Date filed: 3/1/2010
2. Name of company(s) covered by this certification: IntelPeer, Inc.
3. Form 499 Filer ID: 824418
4. Name of signatory: Todd Smith
5. Title of signatory: VP, Corporate Controller
6. Certification:

I, Todd Smith, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.

The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed \_\_\_\_\_

**Attachments:** Accompanying Statement explaining CPNI procedures  
Explanation of actions taken against data brokers (if applicable)  
Summary of customer complaints (if applicable)

## **CERTIFICATION OF CPNI FILING March 1, 2010 EB Docket No. 06-36**

### **Statement of CPNI Procedures and Compliance**

IntelPeer, Inc. ("IntelPeer") does not use or permit access to CPNI to market any services outside of the "total services approach" as specified in 47 CFR §64.2005. Nor does the Company allow affiliates or third parties access to CPNI for marketing-related purposes. If IntelPeer elects to use CPNI in a manner that does require customer approval, it will follow the applicable rules set forth in 47 CFR §64.2001 *et seq.*, including the institution of operational procedures to ensure that the appropriate notification is provided and customer approval is obtained before CPNI is used or disclosed. IntelPeer will develop and implement an appropriate tracking method to ensure that customers' CPNI approval status can be verified prior to using CPNI for marketing-related purposes. The Company will also adopt the requisite record-keeping requirements should it use CPNI in the future for marketing-related purposes.

Consistent with the Commission's rules, IntelPeer uses, discloses, and permits access to CPNI without customer approval for the purposes of: (1) billing and collecting for services rendered; (2) protecting the rights and property of IntelPeer, other users, and other carriers from unlawful use; (3) providing inside wiring, installation, maintenance, and repair services; and (4) providing or marketing services that are within the same class of services to which the customer already subscribes.

IntelPeer does not currently market to customers that call and make inquiries concerning their account information. But should the Company choose to do so in the future, it will obtain a customer's oral authorization. IntelPeer will also require each representative to provide the disclosures required by 64.2008(c) of the CPNI rules including informing customers of their right to deny access to the CPNI before requesting this one-time consent.

IntelPeer has implemented procedures whereby it will not provide CPNI without proper customer authentication and does not provide call detail records over the phone. Call detail records are provided exclusively via e-mail or U.S. mail, to the postal or electronic address of record. In order to authenticate a customer's identity prior to disclosing CPNI, IntelPeer authenticates the customer using a variety of methods. IntelPeer has implemented procedures to inform customers of change of address, e-mail and other changes to account information in a manner that conforms with the relevant rules.

IntelPeer has implemented procedures to provide law enforcement with notice should a breach of CPNI occur. After notifying law enforcement and unless directed otherwise, IntelPeer will notify affected customers. IntelPeer will maintain a record of any CPNI-related breaches for a period of at least two years.

All IntelPeer employees who have access to CPNI receive training about CPNI compliance. Specifically, a summary of IntelPeer's CPNI policies are included in its Employee Handbook, and all employees are required to acknowledge in writing that they have read and understand the information in the Employee Handbook. All IntelPeer employees are required to maintain the confidentiality of all information, including customer information that is obtained as a result of their employment by IntelPeer. Employees who do not abide by these policies or otherwise permit the unauthorized use or disclosure of CPNI will be subject to discipline, including possible termination.